(3)

IN THE HIGH COURT OF JUDICATURE : CHHATTISGARH : BILASPUR

M.A.NO.: 624 OF 2002

APPELLANTS / APPLICANTS :

1. KARTIK AGED 50 YRS
S/O SUKOO

2. MST AYATI BAI AGED ABOUT 45 YRS
W/O KARTIK

3. SMT ILAWATI AGED ABOUT 22 YRS
WD/O JALORAM

4. KU. SEWATI AGED ABOUT 3 YRS
D/O SHRI JALORAM

5. GOVARDHAN AGED ABOUT 2 YRS
S/O SHRI JALORAM

NO.4 and 5 MINORS through
GAL : Mother : Smt Ilawati
wd/o Shri Jalo Ram
All R/O Polebeda Para,
Jaibel - PS- Chouki
Karpawand Distt- Bastar

P.R. No. 1620/02
Presented by Shri Dhurendra Sharma
dated 22.10.02

- V E R S U S -

RESPONDENTS / NON-APPLICANTS / OWNER/DRIVER :

1. DURJAN DEWANGAN
S/O SHRI DASHRATH DEWANGAN
CASTE - KOSHTA
R/O JAIBEL CHOUKI - KARAPAWAND
DISTT- BASTAR CG

2. THE UNITED INDIA INSURANCE CO. LTD.
ANUPAMA CHOUK JAGDALPUR
DISTT- BASTAR CG

APPEAL UNDER SECTION 173 OF MOTOR VEHICLE ACT 1988 :
CLAIM IN APPEAL VALUED AT Rs. 83,000=00 ONLY

HIGH COURT OF CHHATTISGARH; BILASPUR
(LOK ADALAT)

MISCELLANEOUS APPEAL No. 624 OF 2002

Appellants : Kartik & Others

Versus

Respondents: Durjan & Another

(Arising out of Claim Case No. 168 of 2001)

09-01-2007

Appellant No.1 – Kartik & Appellant No.3 – Smt. Ilawati appear with Shri Anurag Shrivastava, counsel for all the appellants.

None for respondent No. 1.

Shri. J.N. Mandal, Branch Manager, The United India Insurance Company Ltd. with Shri Sanjay S, Agrawal, counsel for respondent No.2.

Appellant No.3 - Smt. Ilawati filed an application along with affidavit for permission to compromise the matter on behalf of minors.

Not opposed.

Considered. Allowed.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.2 shall pay Rs.50,000/- (Rupees Fifty Thousand Only) to the appellants.
2) For disbursement and deposit in FDR, the Tribunal may pass appropriate orders.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellants shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondent No.1 stands dismissed.
6) Out of the above amount, Rs.500/- (Rupees Five Hundred Only) shall be paid to counsel for the appellants directly by respondent No.2 towards counsel fee.
7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.
8) Copy of the award shall be given to the parties free of cost.

Sd/-
Justice V.K. Shrivastava
Member- Lok Adalat
High Court of Chhattisgarh
Bilaspur

Sd/-
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur

Gowri